

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GEORGE P. VARGO,)	
Petitioner,)	
)	
vs.)	Civil Action No. 04-1164
)	
MELISSA HAINSWORTH, et al.,)	

ORDER

AND NOW, this 20th day of February, 2018, after the petitioner, George P. Vargo, filed a motion for relief from judgment, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, and upon independent review of the motion and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 25), which is adopted as the opinion of this Court,

IT IS ORDERED that the Rule 60(b) motion submitted by petitioner (ECF No. 23) is treated as a successive habeas corpus petition and is dismissed and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the motion to appoint counsel (ECF No. 23) is dismissed as moot.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: George P. Vargo
CC-8008
SCI Somerset
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